

APPROVED: Meeting No. 45-90

ATTEST: *Shawn A. Ben*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 41-90

October 22, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on October 22, 1990, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. This past weekend, we had another successful Antique and Classic Car Show with approximately 8,000 spectators and 420 entrants. The Mayor and Council's Choice Award was a 1910 Cadillac; the People's Choice Award was a 1931 American Austin. Because of the number of spectators, there were some problems with parking, and next year the City will probably have shuttle parking.

2. The 15th Annual Rockville 10K Run will be held on Sunday, October 28, at the Rockville campus of Montgomery College. The City anticipates over 600 runners for both the 3K and 10K races and another 500 youth participants in the Halloween Run. The Mayor and Council are invited to participate, and it is hoped that Mayor Duncan will be the honorary official starter for the 10K race.

Re: Greeting and presentations to Jan Nevermann, Burgermeister of Rockville's Sister City, Pinneberg, Germany, and members of the official Pinneberg delegation to Rockville; presentation of Certificates to the 14 students and two teachers from Matthias-Claudias School in Pinneberg who are participating in the 1990 student trip to Rockville.

The following Pinneberg students participating in the 1990 Student Exchange were presented with certificates and patches by the Mayor and Council: Marco Stahr, Andre Schonbrodt, Rene Luddwig, Julia Timm-Schutt, Nicole Mioza, Matthias Tkacz, Maike Maack, Sandra Rehet, Jan Schnikel, Christian Schulz, Bettina Lammers, Rafael Kopy, Stefan Molkenthien and Anke Stange. The two teachers, Katja Ewers and Ruth Gorlitz, who participated in the exchange were also presented with certificates and patches. They gave special thanks to Mr. and Mrs. Richard Knorpp, who hosted the teachers, and to all of the families hosting the students.

Mayor Duncan greeted the City's other special guests from Pinneberg and stated that the Rockville-Pinneberg sister city relationship was established in 1957 when Dickran Hovsepien was Mayor. He introduced Jan Nevermann, Burgermeister of Pinneberg, noting that this is the first time since 1958 that the Pinneberg Burgermeister has visited Rockville. Herr Nevermann introduced the other visitors from Pinneberg present that evening: Dr. Hartmut Nolte and his wife, Helga, Gerhard and Hanna Lanz, Dorle Voigt, Hegener and Margaret Ekkehard.

The Mayor and Council then presented the visitors with Rockville sweatshirts as a remembrance of their visit. The first was presented by Mayor Duncan to Mrs. Nolte who had accompanied Mayor Duncan on a shopping trip for souvenirs while he was in Pinneberg.

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It was noted that there had been a very nice exchange over the past few days. Leah Barnett, President of the Rockville Sister City Corporation, commented that, as a result of this exchange, a number of ideas have been generated to further expand the Pinneberg-Rockville relationship. On behalf of Rockville's Sister City Corporation Board of Directors, she offered congratulations to the Pinneberg visitors on Germany's unification.

Re: Presentation of three art proposals by Pinneberg, Germany artists for the Welsh Park Art in Public Places site.

Dr. Hartmut Nolte of Pinneberg, President of the German-American Friendship Society, provided the Mayor and Council with information as to the selection process used by the Pinneberg Art Commission as well as background regarding the artists of the three sculpture models. The three proposals are as follows: "Stele aus Plexiglas" by Angelika Bartel-Mulak; "Portato" by Thomas Karp; and "Raumskulptur" by Gabriele Schmidt-Heins. The Pinneberg Art Commission selected "Raumskulptur" as their choice and have so recommended this model to the Cultural Arts Commission. Dr. Nolte concluded by saying that he looks forward to the recommendations of the Cultural Arts Commission and subsequent approval by the Mayor and Council.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Randy Slovic, 9 Dairyfield Court, inquired as to whether the dogs responsible for the attack in North Farm on September 15 had been taken from the kennel. The City Manager confirmed that, although there was an agreement between the City and the kennel that the dogs would not be released without authority of the Chief of Police, an employee of the kennel had, in fact, surrendered the dogs to Mrs. Levin, the owner,

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on Sunday, October 21. The City did not learn of this action until today. Mrs. Levin's attorney, in a letter dated October 19, which was received by the City Attorney on October 22, set forth the proposed location of the dogs. Mr. Romer outlined the steps the City has taken in an attempt to locate the dogs. Because Mrs. Levin violated the agreement with the City, the matter has been turned over to the State's Attorney's Office for investigation. The City is pursuing this matter vigorously and expects to have a significant amount of information available by tomorrow.

2. Tim Dugan, representing GEICO, and on behalf of Joseph Lynott, referenced Item 8M on the Consent Agenda, Preliminary Review, Text Amendment Application T-114-90. He requested that the Mayor and Council refer this text amendment involving use permit requirements for ownership plats to the Planning Commission.

3. Amy Vachon, 3 Dairyfield Court, asked if the City is monitoring the activities of Mrs. Levin, owner of the three Rottweilers, as the neighborhood feels she may be attempting to go back to Israel with the dogs. The City Manager responded in the affirmative.

Councilmember Coyle asked if the City is certain that Mrs. Levin has not attempted to bring the dogs back to the City, and the City Manager responded that he is satisfied that the dogs are not in the City limits, and the City is vigorously attempting to determine the whereabouts of the dogs.

4. Jean Collin, 4 Dairyfield Court, referenced the status of the petition for rehearing filed by Mr. Joffe, husband of the woman who was attacked by the dogs, as it relates to the agreement regarding disposition of the dogs. The City Manager responded that the request for rehearing was received and transmitted to the Animal Control Board which will take the appropriate steps in this matter. Ms. Collin also referenced the worksession the Mayor and Council held with the Animal Control Board, commenting that time was spent on issues such as animal census. The citizens want protection from

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vicious dogs, and emphasis should be placed on the City adopting an ordinance similar to the model ordinance provided by the Humane Society.

Mayor Duncan noted that once a recommended ordinance has been prepared by the Animal Control Board and staff, all interested parties will be provided with a copy prior to the public hearing. He also noted the City's intent to adopt a model ordinance similar to the one espoused by the Humane Society.

Councilmember Hovsepian commented that one of the reasons for recommending the dog census is that it will assist the City in identifying problem areas and enforcing the ordinance.

Councilmember Coyle indicated a sense of frustration on the part of the Mayor and Council by the release of the dogs and expressed hope that the City will be able to monitor the situation effectively.

5. William Meyer, 804 Leverton Road, referenced Item A on the Consent Agenda and asked if the designation of Watts Branch as the drainage area was a typo. The City Manager confirmed that it was a typo and should have read "Cabin John drainage area." He also advised Mr. Meyer that the contribution for the off-site SWM fund would consist of a transfer of funds from the construction account to the stormwater management account.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Denise Graves was appointed to a two-year term on the Advisory Commission on Public Education.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Helen Roberto was appointed to a one-year term as Chairperson of the Senior Citizens Commission.

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Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 39-90 (October 8, 1990) were approved, as written.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 40-90 (October 15, 1990) were approved, as amended.

Re: Consent Agenda

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Approval of waiver for on-site Storm Water Management for Ritchie Parkway in the Cabin John drainage area, and acceptance of a \$717,200 contribution for the off-site SWM fund.

The developer, the City of Rockville, proposes the construction of a roadway.

- B. Award of Bid No. 19-91 for asphalt work at Redgate Golf Course and Broome Athletic Park to the low bidder, Canter Contractors, in the amount of \$21,192. Funding in the amount of \$13,234 is budgeted for the Broome portion and \$8,262 for the Redgate portion in the CIP.

This project is for construction of an asphalt cartway at Redgate and an asphalt pad at Broome Athletic Park Tennis Courts.

- C. Award of Contract, Proposal No. 20-91, Dental Plan, to Denticare Dental Plans, Inc. to provide dental services for the City for a one-year period beginning January 1, 1991. The estimated fee for the first year is \$27,419.

This contract is a continuation of current benefits provided to City employees; the amount budgeted is \$28,358.

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- D. Award of Bid No. 23-91, for replacing the Water Treatment Plant clarifier control systems to Johnson Yokogawa and to Ronco Services for the total low bid amount of \$23,682. The budgeted amount is \$35,000.

The systems control the rate of water flow at the Water Plant as part of the treatment process.

- E. Award of Bid No. 25-91, to the low bidder, J.E. Wood & Sons Co., Inc., Clinton, Maryland, in the amount of \$36,699 for roofing improvements at municipal facilities. The amount of \$40,000 has been budgeted for this purpose.

This contract includes furnishing all labor, equipment, supervision and materials for construction of roofing at Lincoln Center Gymnasium and Dogwood Park Shelter.

- F. Award of Bid No. 29-91 to Arbor Landscapers of Spencerville, Maryland, for furnishing, delivering and planting trees and shrubs in rights-of-way, parks and building grounds in the amount of \$79,155. Funding in the amount of \$85,000 is available for this purpose.

This contract is for planting trees and shrubs in rights-of-way, parks and building grounds.

- G. Adoption of Resolution No. 23-90 (the full text of which can be found in Resolution Book No. 9 of the Mayor and Council) to establish a permit parking district on Trail House Court to include the frontages of all 12 homes on Trail House Court and 1811 and 1815 Greenplace Terrace as to their frontages on Trail House Court only. If approved, this parking zone will replace the current 9:00 a.m. to noon school day parking prohibition with permit parking for the standard hours of 8:00 a.m. to

5:00 p.m., Monday through Friday
(school days only).

- H. Adoption of Resolution No. 24-90 (the full text of which can be found in Resolution Book No. 9 of the Mayor and Council) to withdraw several streets from the existing Croydon Park/E. Rockville permit parking district, including all residences on Taylor Avenue, Lawrence Drive, Lawrence Court and Robert Road. Also proposed for withdrawal are 602 First Street, 604 and 700 Baltimore Road as to their frontages on Taylor Avenue only, and 708 Baltimore Road as to its frontage on First Street.

- I. Adoption of Resolution No. 25-90 (the full text of which can be found in Resolution Book No. 9 of the Mayor and Council) to Deny Text Amendment Application T-103-89, Miller, Miller & Canby, attorneys for McDonald's Corporation, Applicant.

Amendment to Zoning Ordinance special exception requirements for a restaurant with drive-thru so as to reduce the lot frontage requirement.

- J. Adoption of Resolution No. 26-90 (the full text of which can be found in Resolution Book No. 9 of the Mayor and Council) to approve Annexation Petition X-109-90, Mayor and Council of Rockville, Applicant.

This petition requests annexation into the City of Rockville of a 3.4 acre parcel which is part of the Redgate Municipal Golf Course. The parcel is proposed to be placed in the R-S Zone upon annexation.

- K. Introduction of Ordinance to Adopt Zoning Map - Annexation Petition X-109-90, Mayor and Council of Rockville, Applicant.

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- L. Introduction of Ordinance to adopt Text Amendment Application T-107-90, Mayor and Council of Rockville, Applicant.

Amendments to various sections of the Zoning Ordinance so as to transfer Use Permit approval authority on City-owned land from the Planning Commission to the Mayor and Council.

- M. Preliminary Review and Referral to Planning Commission - Text Amendment Application T-114-90, Robert R. Harris, attorney for GEICO, and Joseph A. Lynott, attorney for 41 Limited Partnership, Applicants.

Amendment to Use Permit enforcement procedures involving ownership lots/plats.

- N. Submission of financial reports summarizing the results of City operations for the period from July 1 through September 30, 1990.

- O. Adoption of Resolution No. 27-90 (the full text of which can be found in Resolution Book No. 9 of the Mayor and Council) to support the participation of the City of Rockville in the Maryland Main Street Designation Competition.

The Maryland Department of Housing and Community Development is soliciting applications to be entered in a competition for "Maryland Main Street Designation." Winners will be awarded a grant in the amount of \$5,000.

- P. Proclamation No. 30-90 (the full text of which can be found in Proclamation File No. 5 of the Mayor and Council)

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declaring November 14, 1990, as
"National Young Reader's Day."

This nationwide celebration of
literacy is a reminder to all
Americans of the joys and importance
of books for the nation's youth.

Re: Adoption of Ordinance to revise
and amend Ordinance No. 14-
90, appropriating funds and
levying taxes for FY1991.

Ordinance No. 31-90

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 31-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to revise and amend Ordinance No. 14-90, to reflect encumbrances of funds from the prior fiscal year. The total increase in the Ordinance is \$885,144.

Re: Adoption of Ordinance to levy
assessments for driveway aprons
at various locations, Project
#OD12.

Ordinance No. 32-90

Councilmember Coyle asked if it is possible for residents to expand their driveway aprons on their own, and the City Manager responded yes, so long as they follow the City's specifications. Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Ordinance No. 32-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to levy a special assessment for the construction of driveway aprons with the costs assessed against the properties abutting the construction.

Re: Adoption of Ordinance to Adopt
Text Amendment Application T-
99-89, Mayor and Council of
Rockville, Applicant.

Ordinance No. 33-90

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Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Ordinance was amended to incorporate the changes agreed upon at the meeting of October 8, 1990. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 33-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted, as amended, to provide various amendments to the Sign Requirements section of the Zoning Ordinance.

Re: Approval of projects and funding levels to be submitted in the Community Development Block Grant application to Montgomery County.

The City Manager stated that staff recommendations for funding are the result of an analysis of the proposals received for Community Development Block Grant (CDBG) funding. The City will be receiving \$249,400 in CDBG funds this fiscal year through Montgomery County.

Councilmember Marrinan questioned why the Head Start Family Reading Project was recommended for funding inasmuch as he felt this should be an obligation of Montgomery County Public Schools. Staff responded that the Head Start program is funded through a federal grant, and that this project is a special program for schools in Rockville. The City of Rockville is the only location in the County where this program is being undertaken.

Councilmember Hovsepian requested clarification regarding the amount of funds requested and recommended for approval regarding the Home Rehabilitation Program. Staff responded that the correct amount is \$101,990.

With respect to the request of Hispanics United for Rockville for transportation for families to agency provider locations, Councilmember Coyle commented that the County has the capability to provide such transportation and requested that

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staff ensure that the City did not duplicate services available elsewhere. Staff responded that the City is unable to fund the full amount requested and, therefore, the grant funds would probably be used for salaries for outreach work.

In response to Councilmember Robbins, staff noted that this year's CDBG funding of \$249,400 is significantly less than last year's grant of \$295,000. As to Helping Hand's request, Mayor Duncan noted that funding for this shelter and other homeless shelters in the City was provided in the FY91 budget.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, staff's recommendations for CDBG funding of ten projects were approved.

Re: FYI/Correspondence

Towing Regulations

Mayor Duncan requested that staff provide the Mayor and Council with information regarding adoption of the County's ordinance as soon as possible. The City Manager noted that the County is making revisions and, as soon as the legislation is finalized, the Mayor and Council will receive appropriate notification.

Rockville-Gaithersburg Stamp Club Show

Councilmember Robbins noted that the theme of this exhibition, and the special United States Post Office cancellation, will commemorate the 50th Anniversary of the death of F. Scott Fitzgerald, Rockville's adopted son. He requested that this event, which is free to the public, be publicized in Rockville Reports.

Re: New Business

Councilmember Coyle noted four items of New Business:

1. Memorandum from Assistant City Attorney requiring that contractors provide health benefits. Inasmuch as there are no laws or regulations prohibiting such a requirement, he feels that staff should be encouraged to research the issues raised by the Assistant City Attorney to determine if such a requirement is feasible.

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2. Speeding on Ardennes Avenue. Despite the fact that the Police Department has stepped up enforcement on this street, some of the neighbors have had to resort to waving to drivers to slow down. Councilmember Coyle suggested that the City explore the possibility of forming a committee of neighbors and interested persons to discuss traffic mitigation similar to the Watts Branch Parkway Advisory Committee. It was agreed that such a committee would be formed.

3. Bike Helmet Law. In view of the recent bill introduced in Montgomery County by Councilwoman Rose Crenca, Councilmember Coyle suggested that the City look at the possibility of having such legislation apply in the City. Staff will follow up regarding this matter.

4. Commercial Trash on Residential Street. Councilmember Coyle asked if there is a way to renew efforts to eliminate the problem of individuals bringing their commercial trash home for City pick-up. Staff will follow-up regarding this matter as well.

Councilmember Marrinan noted a public safety issue regarding the placement of large trash containers/dumpsters in public rights-of-way. He asked if staff could explore the possibility of requiring reflector tape or lighting to alert drivers and joggers. The City Manager responded that staff will follow-up on this issue as well.

Re: Executive Session

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 8:45 p.m. to consult with legal counsel and to discuss property disposition matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:58 p.m., to convene again in Worksession at 7:00 p.m. on October 29, 1990, or at the call of the Mayor.